

**MINUTES OF THE BOARD OF TRUSTEES  
THE VILLAGE OF CHESTNUT RIDGE  
MAY 21, 2015**

**The Board of Trustees of the Village of Chestnut Ridge convened in regular session on May 21, 2015 at the Village Hall, located at 277 Old Nyack Turnpike, Chestnut Ridge, NY 10977.**

**PRESENT: ROSARIO PRESTI, JR. - MAYOR**  
**JOAN BROCK - DEPUTY MAYOR**  
**HOWARD COHEN - TRUSTEE**  
**GRANT VALENTINE - TRUSTEE**

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**PRESENT: WALTER R. SEVASTIAN - VILLAGE ATTORNEY**

**FLORENCE A. MANDEL - RECORDING SECRETARY**

**1. Pledge of Allegiance.**

**2. .Mayor’s report –**

- I had the opportunity to have Sunday with the Mayor on April 3, 2015.
- I encourage folks to come and say hello. It is informal and gives everyone an opportunity to sit down and meet.
- Pothole repair is on going. It took a little awhile. I thank the County and Town for moving things along.
- Call Village Hall and we will address it as soon as we can.

**3. Open Floor: Public Discussion of Agenda Items.**

No one from the public wished to speak.

**MOTION:** Trustee Cohen

**SECOND:** Trustee Valentine

**The Board** was polled and voted **4-0** to **Close the Open Floor Public Discussion on Agenda Items only.**

**4. Approval of Minutes of Previous Meeting, April 16, 2015.**

**MOTION:** Deputy Mayor Brock

**SECOND:** Trustee Cohen

**The Board** was polled and voted **4-0** to **Approve the Minutes of April 16, 2015.**

**5. a. Continuation of Public Hearing on proposed local law entitled “A Local Law Amending Local Law No. 20 of 1987, the Zoning Law of the Village of Chestnut Ridge, to add ‘Assisted Living Residences’ as a permitted use in the NS Zoning District”.**

**Ira M. Emanuel, P.C. –**

- We were here in April. At that time you had received the updated traffic report from our traffic consultant and had not had time to review it. Hopefully you have had time to review it by now.

**Mayor Presti:** No further questions.

**Robert Geneslaw – Planning and Development Consultant –**

- Nothing to add.

**Move to Close the Public Hearing.**

**MOTION:** Trustee Cohen

**SECOND:** Trustee Valentine

**The Board** was polled and voted **4-0** to **Close the Public Hearing.**

**(I) Resolution No. 2015-53:**

**Resolution making SEQRA Determination relative to Local Law #1 of 2015**

- b. To approve Local Law #1 of 2015 to add Assisted Living Residences as permitted uses in the NS Zoning District.

**WHEREAS**, the Village Board of the Village of Chestnut Ridge reviewed a petition by Artis Senior Living LLC to amend the zoning in the NS Zone to allow Assisted Living Residences; and

**WHEREAS**, the Village Board retained a planning consulting firm to provide technical assistance to the Village in review of the petition; and

**WHEREAS**, the Village Board completed the Short Environmental Assessment Form Part 1; and

**WHEREAS**, the Village Board determined that five (5) parcels in the NS zone, totaling less than twenty-five (25) acres would be eligible for this zoning amendment. The Board reviewed those parcels and determined that all but one parcel was developed and therefore this amendment would most likely be utilized by the petitioner for said use; and

**WHEREAS**, the Village Board reviewed the concept plan for an assisted living facility and suggested changes related to parking and egress. Once the Board had determined to further evaluate the petition, the Village Board declared itself Lead Agency for this Unlisted action under the State Environmental Quality Review regulations; and

**WHEREAS**, the Board sent the petition to all interested and involved agencies and reviewed the responses from the agencies. The Board reviewed the response by the Rockland County Planning Department as it relates to parking and reviewed a Traffic and Parking Study which was performed by Harry Baker Associates. The Board reviewed this study and had the Traffic Consultant to the Board review the report on behalf of the Board and found the parking met the standards for assisted living residences; and

**WHEREAS**, The Village Board held Public Hearings on March 19, 2015, April 16, 2015, and May 21, 2015 and there was no opposition to the proposed amendment; and

**WHEREAS**, the Village Board closed the Public Hearing on May 21, 2015 and upon completion of the Short Environmental Assessment Form Parts 2 and 3 and narrative supporting this determination, the Board found that the amendment to zoning would not have a significant environmental impact.

**NOW THEREFORE, BE IT RESOLVED**, the Village Board finds that there will be no adverse environmental impacts for the adoption of the proposed amendment to zoning to allow Assisted Living Residences and that, therefore no further environmental review is necessary under the provisions of the State Environmental Quality Review Act.

**MOTION:** Deputy Mayor Brock

**SECOND:** Trustee Valentine

**The Board** was polled and voted **4-0** to approve **Resolution No. 2015-53**.

**Resolution No. 2015-54:**

**II. To approve Local Law #1 of 2015 to add Assisted Living Residences as permitted uses in the NS Zoning District.**

**WHEREAS**, the Village Board received a petition for a zoning amendment to allow Assisted Living Residences in the NS Zoning District on properties equal to or greater than 75,000 square feet by Artis Senior Living LLC; and

**WHEREAS**, the Village Board and staff to the Board reviewed the proposal and a concept plan prepared by Brooker Engineering, PLLC; and

**WHEREAS**, the Village Board recommended changes to the plan regarding parking and egress and these changes were made; and

**WHEREAS**, the Village Board reviewed the comments by the Rockland County Planning Department (RCPD) related to seasonal high volume parking requirements. The Village Board reviewed a parking study completed by Harry Baker Associates and had the Village's Traffic Consultant to review the Baker report. The Village Traffic Consultant found the traffic study prepared by Harry Baker Associates along with the proposed parking requirements were adequate for Assisted Living Residences. In response to the RCPD recommendation to have the proposed Assisted Living Center make off-site parking arrangements for seasonal high volume parking needs, the Board determined that the petitioner, Artis Senior Living, shall make arrangements for off-site parking during these seasonal high volume periods and address that issue during the Site Plan Review process;

**WHEREAS**, the Village Board held Public Hearings on March 19, 2015, April 16, 2015, and May 21, 2015 and there was no opposition to the proposed amendment; and

**WHEREAS**, on or about May 21, 2015 the Board of Trustees adopted a Findings Statement pursuant to SEQRA, and

**WHEREAS**, during the environmental review and public hearing process all involved and interested agencies and the public have had opportunity to be heard and have submitted comments thereon, all of which have been reviewed and considered by the Board of Trustees, and

**WHEREAS**, on May 21, 2015 the public hearing on the proposed local law was closed and the Board of Trustees moved to adopt the proposed local law entitled "A Local Law Amending Local Law No. 20 of 1987, the Zoning Law of the Village of Chestnut Ridge, to add "Assisted Living Residences" as a permitted use in the NS Zoning District", the text of which is:

AMENDMENTS TO CHESTNUT RIDGE ZONING CODE

ARTICLE XVIII - WORD USAGE

Add in their proper alphabetical locations:

Assisted Living Residence – Those residences as defined in Chapter X Assisted Living Residences of the NYS Public Health Law Part 1001 and shall not include any services specifically excluded in the NYS Public Health Law. An Assisted Living Residence consists of a building for residents needing assistance on a daily basis, consisting of housekeeping and linen services, transportation for shopping and other needs, prepared meals which are served in quarters or with other residents in a dining area, planned on-site leisure and recreational activities and other therapies as needed. There is limited access to licensed professionals for

consultation and evaluation, and other professional services are provided by independent licensed individuals not on staff. ALR allows for Enhanced Assisted Living Residences and Special Needs Assisted Living Residences. ALR does not include the treatment of alcohol, drugs or other dependencies.

Assisted Living Unit – Private or semiprivate rooms, may be in the form of a studio or may consist of one or two bedrooms, with a separate living area along with a bathroom consisting of a bath and or shower and (1) one toilet.

## ARTICLE XII CONDITIONAL USE AND SPECIAL PERMIT STANDARDS

Add new section 16:

### 16. Assisted Living Residences (ALR).

A. There shall be a minimum lot area of 75,000 square feet in the NS zoned portion of the property.

B. No dwelling units shall be allowed in a basement.

C. Assisted Living Units shall not contain cooking facilities. Units shall not be used as apartments for transient tenants; units shall not contain more than 2 bedrooms, a separate living area and bathroom and shall not be connected by interior doors in groups of more than two (2). No unit shall contain more than 2 bedrooms.

D. All Assisted Living units shall have access through interior corridor only.

E. An ALR shall not exceed a height of twenty-five 25 feet or two (2) stories whichever is less.

F. Bath facilities, which include a shower or bath and one (1) toilet may be shared by no more than two (2) assisted living units.

G. The ALR shall provide a main kitchen, dining, recreational/exercise, therapeutics and personal care areas. Any outdoor sitting areas or walking paths shall be well defined by walls, ~~fences~~ hedges or planting designed to impart a sense of containment or security and to provide group privacy.

H. A small staff kitchen/dining area is permitted.

I. The minimum distance from the facility to any interior driveway/parking area shall be fifteen (15) feet from an Assisted Living Unit bedroom.

J. Parking standards shall conform to General Use Table.

K. The number of assisted living units shall not exceed thirty (30) per acre of the NS zoned land.

L. Within the facility, certain accessory uses are permitted such as laundry, medical infirmary only to the extent that they meet the needs of the residents of the facility.

M. The residence shall provide adequate lighted driveways and parking and said lighting shall not be directed on adjacent streets or properties.

N. Parking and driveways shall be landscaped with suitable screening.

O. The front yard depth may be reduced by the Planning Board upon site development plan approval where local conditions warrant.

P. Small pantry areas with a sink, microwave oven and refrigerator are permitted in the common areas for use by residents and guests.

Q. Loading facilities shall be determined by the Planning Board.

R. Walking paths may be permitted in required side and rear yards; sitting areas may be permitted in required side setbacks, and rear

#### TABLE OF GENERAL USE REQUIREMENTS - PART II: NON-RESIDENTIAL DISTRICTS

Add to Columns D and D-1:

D Uses by Special Permit of the Village Board (subject to Article XVI and Article XI, Section 2)	D-1 Use Group
4. Assisted Living Residence (ALR)	M

Add to Column F:

Minimum Off-Street Parking Spaces (subject to Article VII)	
For	At Least 1 Parking Space for Each Unit of Measurement Listed or as Otherwise Noted Below:
8. Assisted Living Residence	1/2 parking space per unit

Amend Column G, item 1:

1. A buffer of not less than 50 feet shall be provided between any use first permitted in this district, and any lot in a residence district. A buffer of not less than 50 feet will be provided between any conditional or special permit use and any lot in a residential district.

Amend Column G, item 3:

3. The operation of any use, excluding public utilities and Assisted Living Residence (ALR), shall be limited to the hours between 6:30 AM and 2:00 AM daily.

TABLE OF BULK REQUIREMENTS - PART II

Add new Use Group "M":

Use Group	2 Minimum Lot Area	3 Lot Width (feet)	4 Front Setback (feet)	5 Front Yard (feet)	6 Side Setback (feet)	7 Total Side Setback (feet)	8 Side Yard (feet)	9 Rear Setback (feet)	10 Rear Yard (feet)	11 Street Frontage (feet)	12 Maximum Height (feet)	13 Development Coverage (percent)
M**	75000sf	250	30	15	30	60	10	25***	15	150	25	70

\*\*Dimensional requirements apply to NS portion of properties in more than one zoning district.

\*\*\*May be reduced to 15 feet where protective covenant provided.

**NOW, THEREFORE, BE IT RESOLVED** that the application submitted by Artis Senior Living LLC for a change in the zoning code to add “Assisted Living Residences” as a permitted use in the NS Zoning District, is hereby granted, subject to the following condition(s):

. That the applicant shall, at the time of Site Plan Approval, provide the Planning Board with proof that it has made arrangements for off-site parking during potential seasonal high volume periods.

**MOTION:** Trustee Cohen

**SECOND:** Deputy Mayor Brock

**The Board** was polled and voted **4-0** to approve **Resolution No. 2015-54**.

**Mayor Presti:**

**Entertain presentation Special Permit Application of Congregation Ohr Mordechai:**

**5. Open Floor Public Discussion regarding Congregation Ohr Mordechai**

**Michael Klein-Attorney for Cognation Ohr Mordechai**  
**200 Executive Boulevard, Suite 300, Suffern, New York 10901-**  
Present with me is:

- Jesse Cokely P.E.Maser Consulting Design Engineer
- Rabbi Isumer Rosenbaum
- I would like to describe what we are seeking from this Board regarding 2 Madeline, Chestnut Ridge, New York 10977:
- Special Permit-
- This began in 2010.
- First we had review with the Planning Board
- Then it went to the Zoning Board for interpretation.
- Went back to the Planning Board for a considerable amount of time.
- The project that we propose is considerably better now largely due to the input of the



Planning Board.

- We are at a juncture right now where we can move forward.
- We received our Negative Declaration from SEQRA. which permits us to move to our next step to you for Special Permit and file variances with the Zoning Board of Appeals.
- Place of worship, residence for the Rabbi (Rectory).
- Raise existing structure and create a brand new building.
- Sets the building back environmentally and aesthetically.
- Site distance a better project.

**Jesse Cokeley, PE. Maser Consulting –**

**777 Chestnut Ridge Rd., Chestnut Ridge, New York 10977-Design Engineer.**

**It has been a long process.**

- The existing building is roughly 40 to 50 feet off of Madeline Terrace.
- The initial plan was just to put an addition onto the existing residence and synagogue to account for the increase of members coming to the services  
We were looking to take access off of Hungry Hollow Rd. to provide parking.
- Going through Planning Board took a lot of statements from the public as well as input from County Highway Department.
- Hungry Hollow Rd. is a County Rd., and they were less than enthused with the access off of Hungry Hollow. So even though we had site distance prepared demonstrating it would be sufficient, they directed us to take access off of Madeline Terrace.
- There is an existing stream on the western portion of the site that in order to provide parking we would not be able to fit the access driveway between the existing structure and the stream.
- The Rabbi has decided to demolish the existing building and create a whole new building further back with parking in the front. We did a visual analysis and propose landscaping in the front to mitigate the impact with regard to Madeline Terrace.
- It is important to note if this was solely a residence the variances needed would be just an area variance for rear yard set back and the structure would remain the same size.

**Trustee Cohen:**

- Questioned the number of feet on the narrative.
- This property is in an R-25 zone. The property across the street is R-35.

**Deputy Mayor Brock:**

- That is approximately 6,000 square feet.
- Number of feet would have to be specific; front, back and side.

**Jesse Cokeley, PE**

- The majority of the first floor is a synagogue.
- The majority of the second floor is residence.
- The final architectural plans haven't been developed yet.
- The footprint of the building is not changing, so the variances of setbacks will not change. The floor area, ratio will need to be ironed out.

**Walter Sevastian – Village Attorney**

- The Special Permit process code is in Article XVI of the Zoning Code provides when an applicant provides for a Special Permit they simultaneously apply to the Planning Board for preliminary site plan review which is what the Planning Board is working toward.
- It says before the Village Board gives consideration to the Board to review the application for Special Permit the Planning Board will review the application for a Special Permit, and transmit a recommendation to the Village Board. There is a fair amount of material from the Planning Board and findings in support of that. In my opinion it is not truly a recommendation.
- I think it prudent to the Board before moving forward to make sure the process is followed.
- Get the Planning Board to issue its' recommendation.
- I did speak to their attorney. They have a workshop next week and the meeting the week after and said the Planning Board said they will generate that for us.
- The Special Permit goes on to say the Zoning Board is going to consider their variances as well.
- Tonight prior to the Board considering the actual application, I prepared Resolution 2015-55 to refer the matter to the Zoning Board; the Planning Board for their recommendation and a Public Hearing to be held at the next regularly scheduled meeting after our Village Board receives a recommendation from the Planning Board.
- Then when this Special Permit Application is dealt with this Board, it will be subject to review by the Architectural Review Board.

**Mayor Presti:**

- The process is what the process is.
- Counsel is aware. We are progressing. We'd love to set a hearing date.
- We are in a position now to move the Resolution as explained by the Board Attorney with regard to the initial process authorizing Special Permit Application to be referred to the Zoning and Planning Board.

**Deputy Mayor Brock read the Resolution.**

**Resolution No. 2015-55:**

Resolution authorizing the Special Permit Application to be referred to the Zoning Board for consideration of any required bulk variances pursuant to Zoning Code Article XVI (E), and to the Planning Board pursuant Zoning Code Article XVI (2)

**WHEREAS**, the Village Board of Trustees received an application from Congregation Ohr Mordechai, dated April 8, 2015, for a Special Permit to construct a place of worship and rectory at the premises known as 2 Madeline Terrace, Chestnut Ridge, NY (tax lot 62.08-1-19), and

**WHEREAS**, Zoning Code Article XVI governs the Special Permit application, and requires certain actions by the Planning and Zoning Boards prior to the Village Board holding a Public Hearing on the application.

**NOW, THEREFORE, BE IT RESOLVED** that the Special Permit application submitted by Congregation Ohr Mordechai is referred to the Zoning Board for consideration of any required bulk variances pursuant to Zoning Code Article XVI (E), and to the Planning Board pursuant Zoning Code Article XVI (2), and

**BE IT FURTHER RESOLVED** that a Public Hearing on the Special Permit Application be held at the next regularly scheduled meeting of the Village Board of Trustees after receipt of the recommendation of the Planning Board.

**MOTION:** Deputy Mayor Brock

**SECOND:** Trustee Cohen

**The Board** was polled and voted **4-0** to adopt **Resolution 2015-55**.

**6. Resolution No. 2015-56:**

**RESOLVED** that the Village of Chestnut Ridge's 2015 MS4 Annual Report is hereby approved, and be it further

**RESOLVED**, that the Village Engineer is hereby authorized to file the 2015 MS4 Annual Report with the appropriate State agencies as required by law.

**MOTION:** Deputy Mayor Brock

**SECOND:** Trustee Valentine

**The Board** was polled and voted **4-0** to adopt **Resolution 2015-56**

**7. Resolution No. 2015-57:**

WHEREAS, emergency electrical repairs to the air conditioning system became necessary on the Village property, and

WHEREAS, Tony Isola was immediately available to perform the emergency work.

**MOTION:** Trustee Valentine

**SECOND:** Trustee Cohen

**The Board** was polled and voted **4-0** to adopt **Resolution No. 2015-57**.

**8. Resolution No. 2015-58:**

**RESOLVED**, that **General Fund Claims** set forth on pages **1 through 4** in the aggregate amount of **\$138,625.15** as submitted by the Village Treasurer are hereby approved.

**MOTION:** Deputy Mayor Brock

**SECOND:** Trustee Cohen

**The Board** was polled and voted **4-0** to adopt **Resolution No. 2015-58**.

**OPEN FLOOR PUBLIC DISCUSSION:**

**Richard Cunningham – 10 Appledale Lane, Chestnut Ridge, New York 10977**

- He is besieged with real estate agents coming onto his property.
- Requested information on how to prevent them from coming onto his property for him to sell his home.
- Stated his neighbor lives alone with two children and is being pressured.

**Mayor Presti:**

- Explained they are not soliciting in the sense that they are trying to sell you vacuum cleaners, etc.
- The Village cannot prevent someone from ringing your bell to ask you.
- Told him to post sign saying, saying Keep off, No Soliciting.
- Tell them not to come back again.
- If they continue, call the Ramapo Police. They will send a patrol car.

**Michelle Drayton - 19 Lomond Avenue, Chestnut Ridge, New York 10977:**

- Requirements for Daycare Centers and schools.
- How is it enforced and what is the process.

**Mayor Presti:**

- There is a permit process that comes into our Building Department. I believe it is set by the number of children.

**Walter Sevastian, Attorney**

- The use has to be permitted in the Zoning District; not only for daycare, schools. It's for anything. If you want to use a piece of property in any municipality, there is a Use Table that says what uses are permitted in each particular Zoning district. That's the first analysis.
- If someone is establishing a use, typically you need to go to the Planning Department, get it approved and if an outside agency review such as the State Department of Health is required it is part of the review process.
- If you believe someone has established a use without seeking the proper permitting call Village Hall. There is a Code Enforcement official. He will go to the property; and see what's going on. If a use has been established there without seeking the proper permit, he will issue an Order of Remedy. You have x number of days to get the proper permitting approved. It happens quite frequently.

**Michelle Drayton:**

If a permit is offered or given to a homeowner, is there opportunity for public comment.

**Walter Sevastian, Attorney:**

- It depends what you need to get approval.
- Typically, there is a Public Hearing Process.

**Michelle Drayton:**

How is the hearing communicated to the people?

**Walter Sevastian, Attorney:**

- If you live with a certain radius to the property; 500 feet.

**Nabil Ghanem – 5 Ross Avenue, Chestnut Ridge, New York 10977:**

- Wanted to know the planning stages regarding pot hole repair and paving of roads throughout the Village.
- Is this information available?
- Which streets are planned?
- It's good to know which streets are planned for in case I have a concern.
- Are you also aware of which County roads within the Village?

**Mayor Presti:**

- We have a phasing schedule that was submitted to us. We have a time line. You can request this at Village Hall to give you an idea.
- We have to do it in a certain way and try to coordinate it with the Town of Ramapo.
- Maybe we can get a special price with the asphalt.
- We try to coordinate with the utilities.

**Lise Chanin, Treasurer**

- The Engineer worked with the utilities prior to doing anything.
- He is working with Orange & Rockland and United Water to get them on the schedule that is set up now.

**Manny Neuhauser – 12 Menoker Rd., Chestnut Ridge, New York 10952:**

- Requesting making the dead end of Menoker Rd. wider so that garbage trucks can make the turnaround.
- Felt hazardous and unsafe.

**Mayor Presti:**

- We did get a report back from the Engineer.
- Engineer said it couldn't be done.
- There is nothing we can do to widen the road.
- Village is not in the position financially to taking on this expense.
- If you feel it is unsafe, call the Ramapo Police. They will advise the garbage carter to be more careful.

**Deputy Mayor Brock**

- We would have to divide all the properties to make them another fifty feet wider.

**Trustee Cohen**

- At the moment the dead end is on vacant land.
- From a Planning standpoint until that land is developed, if ever developed, it does not make for a good plan.

**Walter Sevastian, Attorney:**

- Anytime a municipality condemns property for road widening the municipality would have to pay what the land is worth for its highest and best use.

**Mayor Presti:**

- Never any harm in asking someone if they are willing to donate the land.
- Step No. 1 is acquiring the property. If someone is willing to donate it, then maybe we would have to consider it as far as the act of construction costs. We would have to take it from there.
- We will forward a copy of the report. We will get a hold of the contact person at Threefold. Let them know that there is a desire to do something with that area and are they willing to donate an appropriate piece of the property to take it to the next step?
- We will follow up.
- It's their property.
- Just touch base with us periodically.

**Motion to Close the Open Floor Public Discussion.**

**MOTION:** Trustee Cohen

**SECOND:** Trustee Valentine

**The Board** was polled and voted **4-0** to **Close the Open Floor Public Discussion.**

**12. Motion to Adjourn.**

**MOTION:** Trustee Cohen

**SECOND:** Deputy Mayor Brock

**The Board** was polled and voted **4-0** to **Adjourn the Meeting.**

**MEETING ADJOURNED: 8:37 P.M.**

**Respectfully submitted.**

**Florence A. Mandel**

**Village Clerk**